

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SIEMENS INDUSTRY, INC.

Plaintiff

v.

VA ELECTRICAL CONTRACTORS LLC

Defendant

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Civil Action No. 5:21-CV-00019-OLG
Jury Trial Demanded

DEFENDANT’S ORIGINAL ANSWER

Defendant, VA Electrical Contractors LLC (“VA” and/or “Defendant”) files this Original Answer to the Complaint filed by the Plaintiff, Siemens Industry, Inc. (“Siemens” and/or “Plaintiff”). Defendant notes that each and every allegation of Plaintiff’s Complaint not specifically admitted is denied.

PARTIES

1. Defendant admits the allegations in Paragraph 1.
2. Defendant, VA Electrical Contractors LLC, admits that it is a Texas limited liability company with its principal place of business in Seguin, Texas. Defendant denies the balance of the allegations.

JURISDICTION AND VENUE

3. Defendant admits the allegations in Paragraph 3.
4. Defendant admits diversity of citizenship exists in this case.
5. Defendant admits venue is proper in this district

FACTS

6. Defendant denies the allegations contained in Paragraph 6 of the Original Complaint.

7. Defendant admits the allegations contained in Paragraph 7 of the Original Complaint.
8. Defendant admits the allegations contained in Paragraph 8 of the Original Complaint.
9. Defendant admits that invoices were issued by the Plaintiff, the balance of the allegations contained in Paragraph 9 of the Original Complaint are denied.
10. Defendant denies the allegations contained in Paragraph 10 of the Original Complaint.
11. Defendant denies the allegations contained in Paragraph 11 of the Original Complaint.
12. Defendant admits a Notice was sent but denies the balance of the allegations contained in Paragraph 12 of the Original Complaint.
13. Defendant denies the allegations contained in Paragraph 13 of the Original Complaint.

CAUSES OF ACTION

A. Breach of Contract

14. Defendant repeats and realleges each and every answer contained in Paragraphs 1 through 13 above as if fully set forth herein.
15. Defendant denies the allegations contained in Paragraph 15 of the Original Complaint.
16. Defendant denies the allegations contained in Paragraph 16 of the Original Complaint.
17. Defendant denies the allegations contained in Paragraph 17 of the Original Complaint.
18. Defendant denies the allegations contained in Paragraph 18 of the Original Complaint.

B. Quantum Meruit

19. Defendant incorporates by reference each and every answer contained in Paragraphs 1 through 13 above as if fully set forth herein.
20. Defendant denies the allegations contained in Paragraph 20 of the Original Complaint.
21. Defendant denies the allegations contained in Paragraph 21 of the Original Complaint.

22. Defendant denies the allegations contained in Paragraph 22 of the Original Complaint.

23. Defendant denies the allegations contained in Paragraph 23 of the Original Complaint.

24. Defendant denies the allegations contained in Paragraph 24 of the Original Complaint.

C. Attorneys' Fees

25. Defendant denies the allegations contained in Paragraph 25 of the Original Complaint.

26. Defendant denies the relief requested in the Prayer of the Original Complaint.

27. Defendant respectfully demands a jury trial

PRAYER

28. Defendant prays that Plaintiff take nothing by its claims against Defendant, that Defendant be awarded reasonable attorneys' fees, and that Defendant be awarded all other relief, special or general, legal or equitable, as may be shown that Defendant is justly entitled to receive.

Respectfully submitted,

/s/James Montgomery

James E. Montgomery

State Bar No. 14292200

MONTGOMERY & ASSOCIATES, P.C.

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2021, a copy of the foregoing Defendant's Original Answer was filed electronically. Notice of this filing will be sent to the following parties through the Court's e-file system:

Lara D. Pringle
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Attorneys for Plaintiff

/s/James Montgomery
JAMES E. MONTGOMERY